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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/005,768
Filing Date: November 08, 2001
Appellant(s): GAY ET AL.

Christopher P. Harris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 4, 2007 appealing from the Office action mailed January 4, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 5,808,662	Kinney et al	09-1998
US 5,867,156	Beard et al	02-1999

US 4,445,176	Burk et al	04-1984
US 6,230,171	Pacifici et al	05-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 5, 10, 15, 19, 23 are objected to because of the following informalities:

The claim language is unclear. The claims recite, "one bit of the one byte command identification comprises one of stop, play, forward, reverse, and pause of said video file and a pointer command." The Office assumes "one bit of the one byte command identification comprises one of stop, play, forward, reverse, and pause of said video file and a pointer command" to be --one bit of the one byte command identification comprises one of a pointer command, stop, play, forward, reverse, and pause of said video file" --. Appropriate correction is required.

Claims 1, 2, 4, 7-9, 12-14, 17, 18, 21, 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al (US 5,808,662 and hereafter referred to as "Kinney") in view of Beard et al (US 5,867,156 and hereafter referred to as "Beard").

Regarding Claim 1, Kinney discloses a method comprising: selecting at least one frame of a video file at a first location or master location (Column 7, lines 7-14) by choosing to a function such as a seek, stop or play events (Column 5, lines 52-67, Column 6, lines 1-9, Figure 2A, Column 7, lines 15-35, Column 8, lines 8-10); communicating the selecting of the at least one frame of a video file to a second

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location or participant location by sending a seek event (with any other type event for synchronization) to select the particular frame (Column 7, lines 15-43, Column 8, lines 15-18); viewing the at least one frame of a video file or movie at the first location (Figure 1, 105, Figure 2A, A, Column 7, lines 31-43, Column 8, lines 8-22) and the second location (Figure 1, 107, 109, Figure 2A, A, Column 7, lines 31-43, Column 8, lines 8-22); issuing a command signal from the second location regarding a control operation of the video file or performing a stop, play, reverse play, a frame forward, or seek event (Figure 2A, 226, Column 5, lines 52-67, Column 6, lines 1-9), transmitting a command signal from the second location to the first location in response to the issued command (Column 7, lines 11-15, Figure 2A, 226, Figure 2B, 246, 254, Column 5, lines 52-67, Column 6, lines 1-9,) receiving, at the first location, the command signal or seek/stop/play event (Column 7, lines 55-64, Figure 2A, A, 226, Figure 2B, 246, 254). It is necessarily included that a command signal is sent with the event to the first location as the event synchronizes the master or first location to play, fast forward, stop or go to a particular frame number (Figures 2A, 2B, 2C). Kinney is silent on broadcasting the command signal from the first location to the second location and then performing at the first and second location, the control operation in response to receipt of the command signal. Beard discloses an applications program sharing configuration between a host or first location (Figure 3, 30) and guests or participants or second location (Figure 3, 32) to allow the host computer to be accessible by the guests for functions such as editing annotating, creating of applications programs (Column 3, lines 42-67, Column 4, lines 1-6). Beard discloses that the guest can want to send a control command or

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SYNC message to the host for regarding a control operation of the program (Column 6, lines 10-42), which the host or first location broadcasts the command signal from the first location to the second location (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39). Beard discloses that the host and the guests or second location performs the control operation or syncing to a particular point in the view window in response to receipt of the command signal (Column 6, lines 23-67, Column 7, lines 10-13, 29-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinney to include host or first location broadcasts the command signal from the first location to the second location (Column 6, lines 10-67) and the host and the guests or second location performs the control operation or in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39) as taught by Beard in order to allow guests to not be confused when performing editing or pointing and causing miscommunication and work slowdown (Column 1, lines 48-67) as disclosed by Beard.

Regarding Claim 8, Kinney discloses a method comprising: selecting a video file at a first system or master location (Column 6, lines 38-54, Column 7, lines 7-14, Figure 1, 105); communicating the selecting of the video to a second system and a third system (Figure 1, 107, 109, Column 6, lines 47-54); providing a video on a first screen of the first system (Figure 1, 105, 120, 140), a second screen of second system (Figure 1, 107, 120, 140) and a third screen of the third system (Figure 1, 109, 120, 140); issuing a command signal at the second system regarding a control operation of the video file or performing a stop, play, reverse play, a frame forward, or seek event

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(Figure 2A, 226, Column 5, lines 52-67, Column 6, lines 1-9), transmitting a command signal from the first second system to the first system in response to the issued command (Column 7, lines 11-15, Figure 2A, 226, Figure 2B, 246, 254, Column 5, lines 52-67, Column 6, lines 1-9). It is necessarily included that a command signal is sent with the event to the first location as the event synchronizes the master or first location to play, fast forward, stop or go to a particular frame number (Figures 2A, 2B, 2C).

Kinney is silent on broadcasting the command signal from the first system to the second system and the third system and then performing an operation corresponding to the transmitted command signal at the first system, the second system and the third system in response to receipt of the command signal. Beard discloses an applications program sharing configuration between a host or first system (Figure 3, 30) and guests or participants or second and third systems (Figure 3, 32) to allow the host computer to be accessible by the guests for functions such as editing annotating, creating of applications programs (Column 3, lines 42-67, Column 4, lines 1-6). Beard discloses that the guest can want to send a control command or SYNC message to the host for regarding a control operation of the program (Column 6, lines 10-42), which the host or first location broadcasts the command signal from the first location to the second and third systems or guests (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39). Beard discloses that the host and the guests or second and third performs the control operation or syncing to a particular point in the view window in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Kinney to include host or first location broadcasts the command signal from the first location to the second and third systems or guests (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39), that the host and the guests or second and third performs the control operation or syncing to a particular point in the view window in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39) as taught by Beard in order to allow guests to not be confused when performing editing or pointing and causing miscommunication and work slowdown (Column 1, lines 48-67) as disclosed by Beard.

Regarding Claim 13 Kinney discloses a method comprising: selecting a video file at a first system or master location (Column 6, lines 38-54, Column 7, lines 7-14, Figure 1, 105); communicating the selecting of the video to a second system (Figure 1, 107, 109, Column 6, lines 38-54); displaying the video on a first video screen of the first system (Figure 1, 105, 120, 140), displaying the video on a second video screen of second system (Figure 1, 107, 120, 140); substantially simultaneously performing at least one operation on the first video screen and the second video screen by transmitting at least one command signal across a communications network (Figure 1, Column 4, lines 41-49, Column 7, lines 1-5, Column 2, lines 15-30, Abstract) from the second system to the first system (Column 7, lines 11-15, Figure 2A, 226, Figure 2B, 246, 254, Column 5, lines 52-67, Column 6, lines 1-9). It is necessarily included that a command signal is sent with the event to the first location as the event synchronizes the master or first location to play, fast forward, stop or go to a particular frame number (Figures 2A, 2B, 2C). Kinney is silent on broadcasting the command signal from the

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first system to the second system and the third system and then performing an operation corresponding to the transmitted command signal at the first system, the second system in response to receipt of the command signal. Beard discloses an applications program sharing configuration between a host or first system (Figure 3, 30) and guests or participants or second (Figure 3, 32) to allow the host computer to be accessible by the guests for functions such as editing annotating, creating of applications programs (Column 3, lines 42-67, Column 4, lines 1-6). Beard discloses that the guest can want to send a control command or SYNC message to the host for regarding a control operation of the program (Column 6, lines 10-42), which the host or first location broadcasts the command signal to the second or guests from the first location (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39) across communications network (Figure 2, 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinney to include the host or first location broadcasts the command signal to the second or guests from the first location (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39) across communications network (Figure 2, 21) as taught by Beard in order to allow guests to not be confused when performing editing or pointing and causing miscommunication and work slowdown (Column 1, lines 48-67) as disclosed by Beard.

Regarding Claim 18, Kinney discloses a program storage device or hardware (Column 6, lines 47-54) readable by machine (Figure 1, 105), the machine containing software (Column 6, lines 47-54) to perform a method comprising: launching software

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(Column 6, lines 38-54) which allows software to simulate a set of video controls (Figure 3, Figure 4) to perform functions such as seek, stop or play events, which reads on a synchronous player program or application (Column 5, lines 52-67, Column 6, lines 1-9, Figure 2A, Column 7, lines 15-35, Column 8, lines 8-10); selecting a video file at a first system or master location (Column 6, lines 38-54, Column 7, lines 7-14, Figure 1, 105); communicating the selecting of the video to a second system (Figure 1, 107, 109, Column 6, lines 38-54) causing the second computer system to launch software which simulates video controls (Column 6, lines 38-54, Figure 3, Figure 4); displaying the video on a second video screen of second system (Figure 1, 107, 120, 140, Column 6, lines 38-54); broadcasting a first command signal from the first computer system to the second computer system regarding a first control operation of a video file or movie (Figure 1, Column 4, lines 41-49, Column 7, lines 1-5, Column 2, lines 15-30, Abstract, Figures 2A, 2B, 2C); wherein the command signal causes the second computer system to perform the first control operation (Figure 2A, 218, Figure 2B, 222, Figure 2B, 230, Figure 2C, 252); performing the first control operation on the first computer system (Column 7, lines 1-15, Figure 2A, 218, Figure 2B, 222, Figure 2B, 230, Figure 2C, 252, Column 5, lines 52-67, Column 6, lines 1-9); receiving a second command signal from the second computer system regarding a second control operation of the video file (Column 7, lines 1-14). Kinney discloses performing the second control operation on the first computer system (Column 7, lines 1-15, Figure 2A, 226, Figure 2B, 246, 254, Column 5, lines 52-67, Column 6, lines 1-9). It is necessarily included that a command signal is sent with the event to the first location as the event synchronizes the master or

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first location to play, fast forward, stop or go to a particular frame number (Figures 2A, 2B, 2C). Kinney also discloses hardware and software can perform the functions of the invention which reads on tangibly embodying a program of instructions executable by the machine to perform a method. Kinney discloses that hardware and software exists and it is necessarily included that Kinney includes a program storage device embodying a program of instruction executable by the machine (Column 6, lines 47-54) in order to have a convenient flexible system of movie playback of collaborative system for participants in remote locations (Column 1, lines 9-13, lines 57-67) as disclosed by Kinney. Kinney is silent on broadcasting the second command signal from the first system to the second system and then performing at the first and second system, the control operation in response to receipt of the command signal. Beard discloses an applications program sharing configuration between a host or first system (Figure 3, 30) and guests or participants or second system (Figure 3, 32) to allow the host computer to be accessible by the guests for functions such as editing annotating, creating of applications programs (Column 3, lines 42-67, Column 4, lines 1-6). Beard discloses a computer system with operating system, which performs a program of instructions resident in memory executable by the machine or computer to perform a method of program sharing for performing functions in a collaborative environment (Column 3, lines 32-60). Beard discloses that the guest can want to send a control command or SYNC message to the host for regarding a control operation of the program (Column 6, lines 10-42), which the host or first system broadcasts the command signal from the first system to the second system (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-

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39). Beard discloses that the host and the guests or second system performs the control operation or syncing to a particular point in the view window in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinney to include host or first system broadcasts the command signal from the first system to the second system (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39) and the host and the guests performs the control operation or in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39) as taught by Beard in order to allow guests to not be confused when performing editing or pointing and causing miscommunication and work slowdown (Column 1, lines 48-67) as disclosed by Beard.

Regarding Claim 22, Kinney discloses a computer system (Figure 1, 105) comprising at least one processing unit (Column 3, lines 60-61), at least a video display and hardware embodying software embodying a program of instructions executable by the processing unit to perform a method comprising (Column 6, lines 47-54): broadcasting a first command signal from the computer system or first computer system to another computer system or second computer system regarding a first control operation of a video file or movie (Figure 1, Column 4, lines 41-49, Column 7, lines 1-5, Column 2, lines 15-30, Abstract, Figures 2A, 2B, 2C); performing the first control operation on the first computer system (Column 7, lines 1-14, Figure 2A, 218, Figure 2B, 222, Figure 2B, 230, Figure 2C, 252); receiving a second command signal from the

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second computer system regarding a second control operation of the video file (Column 7, lines 1-15, Figure 2A, 226, Figure 2B, 246, 254, Column 5, lines 52-67, Column 6, lines 1-9); and performing the second control operation on the first computer system (Column 7, lines 1-15, Figure 2A, 226, Figure 2B, 246, 254, Column 5, lines 52-67, Column 6, lines 1-9). It is necessarily included that a command signal is sent with the event to the first location as the event synchronizes the master or first location to play, fast forward, stop or go to a particular frame number (Figures 2A, 2B, 2C). Kinney disclose a processing unit and transport control logic (Column 3, lines 60-64); the transport control logic or an application that allows participant to control, view and edit a movie (Column 4, lines 41-49). Kinney also discloses hardware and software can perform the functions of the invention which reads on tangibly embodying a program of instructions executable by the machine to perform a method. Kinney discloses that hardware and software exists and it is necessarily included that Kinney includes a program storage device embodying a program of instruction executable by the machine (Column 6, lines 47-54) in order to have a convenient flexible system of movie playback of collaborative system for participants in remote locations (Column 1, lines 9-13, lines 57-67) as disclosed by Kinney. Kinney is silent on broadcasting the second command signal from the computer or first computer system to the second or another computer system and then performing at the first and second system, the control operation in response to receipt of the command signal. Beard discloses an applications program sharing configuration between a host or first system (Figure 3, 30) and guests or participants or second system (Figure 3, 32) to allow the host computer to be accessible

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by the guests for functions such as editing annotating, creating of applications programs (Column 3, lines 42-67, Column 4, lines 1-6). Beard discloses a computer system with operating system, which performs a program of instructions resident in memory executable by the machine or computer to perform a method of program sharing for performing functions in a collaborative environment (Column 3, lines 32-60). Beard discloses that the guest can want to send a control command or SYNC message to the host for regarding a control operation of the program (Column 6, lines 10-42), which the host or first system broadcasts the command signal from the first system to the second system (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39). Beard discloses that the host and the guests or second system performs the control operation or syncing to a particular point in the view window in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kinney to include host or first system broadcasts the command signal from the first system to the second system (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39) and the host and the guests performs the control operation or in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39) as taught by Beard in order to allow guests to not be confused when performing editing or pointing and causing miscommunication and work slowdown (Column 1, lines 48-67) as disclosed by Beard.

Regarding Claim 2, Kinney and Beard disclose all the limitations of Claim 1. Kinney disclose the selecting of the at least one frame of a video file to a third location (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39, Figure 1, 109); viewing the at least one frame of the video file at the third location or participant with the first and the second locations (Figure 1, 109, Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39). Beard discloses that the broadcasting the command signal comprising broadcasting the command signal to the third location or all guests (Column 6, lines 10-56); and performing at the first location, the second location and the third location in response to the receipt of the command signal (Column 6, lines 10-56).

Regarding Claims 4 and 9, Kinney and Beard disclose all the limitations of Claims 1 and 8 respectively. Kinney discloses that control operations are performed at the first location substantially simultaneously as the control operation is performed at the second location (Column 4, lines 41-49, Column 7, lines 1-43, Column 2, lines 15-30, Abstract). Regarding Claim 9, the control operation is performed substantially simultaneously at first, second and third locations (Column 4, lines 41-49, Column 7, lines 1-43, Column 2, lines 15-30, Abstract, Figure 1). Beard discloses that the guests and the hosts are synchronized to the same point in receipt of the command (Column 6, lines 10-56).

Regarding Claims 7, 12, 17, 21, 25, Kinney and Beard disclose all the limitations of Claims 1, 8, 13, 18, and 22 respectively. Kinney discloses that the command signal comprises a frame number of the video file or a command signal comprises to advance to a particular frame in the movie (Column 5, lines 4-9, Column 4, lines 62-63).

Regarding Claim 14, Kinney and Beard disclose discloses all the limitations of Claim 13. Kinney disclose the communicating the video file to a third system (Column 6, lines 38-54, Figure 1, 109); displaying the video file on a third video screen with the third system or participant with the first and the second systems (Figure 1, 109, Column 6, lines 38-54, Column 7, lines 1-15). Kinney discloses that at least one operation is performed on the first video screen substantially simultaneously as the at least one operation is performed on the second video screen (Column 4, lines 41-49, Column 7, lines 1-43, Column 2, lines 15-30, Abstract). Kinney discloses that control operations are performed at the first system substantially simultaneously as the control operation is performed at the second system (Column 4, lines 41-49, Column 7, lines 1-43, Column 2, lines 15-30, Abstract). Beard discloses that the broadcasting the command signal comprising broadcasting the command signal to the second system comprises substantially simultaneously broadcasting the command signal to the second and third systems or all guests (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39); and performing at the first system, the second system and the third system in response to the receipt of the command signal on the third video screen substantially simultaneously as the operation performed on the first video screen and the second video screen (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39). Beard discloses that the guests and the host are synchronized to the same point in receipt of the command (Column 6, lines 10-42, 57-67, Column 7, lines 10-13, 29-39).

Claims 3, 5, 10, 15, 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney in view of Beard as applied to claim 1 above, and further in view of Burk et al (US 4,445,176 and hereafter referred to as "Burk").

Regarding Claim 3, Kinney and Beard disclose all the limitations of Claim 1. Kinney discloses command or event that includes an identification or tag (Column 5, lines 36-43). Kinney and Beard silent on the command signal comprising a one byte command identification. In analogous art, Burk discloses sending commands and that the command comprises a command byte or 1 byte (Column 49, lines 60-67, Column 50, lines 1-5). Therefore it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Kinney in view of Beard in order to include that the command comprises a command byte or 1 byte (Column 49, lines 60-67, Column 50, lines 1-5) as taught by Burk in order to send necessary information to the appropriate destination to perform commands in a single communication transaction (Column 1, lines 65-67, Column 2, lines 1-5) as disclosed by Burk.

Regarding Claim 5, Kinney, Beard, Burk disclose all the limitations of Claim 3. Kinney discloses that the command signal comprises one of stop, play, forward, reverse and pause of the video file or movie (Column 4, lines 41-45, lines 50-55). Beard discloses a pointer command (Figure 4C). Burk discloses one bit of the one-byte command comprises a specific command (Column 49, lines 60-67, Column 50, lines 1-5).

Regarding Claim 10, 15, 19, 23, Kinney and Beard disclose all the limitations of Claims 8, 13, 18, and 22 respectively. Kinney discloses command or event that

includes an identification or tag (Column 5, lines 36-43). Kinney discloses that the command signal comprises one of stop, play, forward, reverse and pause of the video file or movie (Column 4, lines 41-45, lines 50-55). Beard discloses a pointer command (Figure 4C). Kinney and Beard silent on the command signal comprising a one byte command identification and that one bit of the one byte command comprises one of a specific command.

In analogous art, Burk discloses sending commands and that the command comprises a command byte or 1 byte (Column 49, lines 60-67, Column 50, lines 1-5). Burk discloses one bit of the one-byte command comprises a specific command (Column 49, lines 60-67, Column 50, lines 1-5). Therefore it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Kinney in view of Beard in order to include that the command comprises a command byte or 1 byte and that one bit of the one-byte command comprises a specific command (Column 49, lines 60-67, Column 50, lines 1-5) as taught by Burk in order to send necessary information to the appropriate destination to perform commands in a single communication transaction (Column1, lines 65-67, Column 2, lines 1-5) as disclosed by Burk.

Claims 6, 11, 16, 20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney in view of Beard as applied to claims 1, 8, 13, 18, 22 above, and further in view of Pacifici et al (US 6,230,171 and hereafter referred to as "Pacifici").

Regarding Claims 6, 11, 16, 20, and 24, Kinney and Beard disclose all the limitations of Claims 1, 8, 13, 18, and 22 respectively. Kinney and Beard are silent of the command signal comprising a pointer coordinate position of a video screen. Pacifici discloses that the command signal comprises a pointer coordinate position of a video screen (Column 5, lines 58-61, Column 9, lines 45-54). Therefore it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Kinney in view of Beard in order to include that the command signal comprises a pointer coordinate position of a video screen representing specific coordinates of the video screen (Column 5, lines 58-61, Column 9, lines 45-54) as taught by Pacifici in order to allow peers to bring attention to markup section in a peer to peer multi party collaboration system in a web based system which allows users to more easily communicate (Column 1, lines 11-28, 49-52) as disclosed by Pacifici.

(10) Response to Argument

ARGUMENTS FOR CLAIMS 1-25

A. Objection to Claims 5, 10, 15, 19 and 23 as Being Unclear

The appellant argues that claims 5, 10, 15, 19 and 23 are fully supported by the specification and that a command ID section may be a one byte section where each respective bit of the byte may indicate a specific operation or command (Page 11).

In response to the argument, the examiner did not state that the appellant's specification has no support for the claims. The examiner objected to the claim language, which recites, "one bit of the one byte command identification comprises one of stop, play, forward, reverse, and pause of said video file and a pointer command." The claim language is unclear such that claim can be interpreted to be one bit comprises to be one of a stop command or a pointer command *or* one of a play command or a pointer command *or* one of a forward command or a pointer command, etcetera. The language can be rewritten for clarity to --one bit of the one byte command identification comprises one of a pointer command, stop, play, forward, reverse, and pause of said video file--.

B. 35 US.C § 103(a) Rejection of Claims 1, 2, 4, 7-9, 12-14, 17, 18, 21, 22 and 25 as Being Unpatentable over Kinney in view of Beard

1. The Obviousness Rejection of Claim 1

The appellant argues that "Kinney in view of Beard does not teach or suggest broadcasting a command signal from a first location to a second location and performing, at the first and second location, a control operation in response to the

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receipt of the command signal" (Page 12). The appellant argues that Beard discloses two separate commands (REQUEST TO SYNC and SYNC TO POINT) versus the same command sent from the section location to the first location and then broadcast to the first location. The appellant makes a point that the examiner had previously argued that title of the command may be different but the command does not change (Page 13). The appellant argues that even if this were true that Beard fails to teach or suggest performing at the first and second location, as control operation in response to receipt of the command signal. The appellant further argues Beard does not teach that the SYNC to POINT command is executed at the host as the host viewport displays the entire viewable area in Fig. 4A and Fig. 4B, therefore no need to change screen orientation (Page 13-14).

In response to the argument, Beard discloses the same command (Column 6, lines 10-42, 57-67, Column 7, lines 1-12, 29-39) is sent from the second location or ASGA (guest) by moving a cursor or issuing a command regarding a control operation and transmitting the command for moving the cursor to the ASHA (host) or first location and the broadcasting the command signal from the first location to the second location and performing the control operation in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 1-12, 29-39).

The perspective of ASGA or the second location is that the ASGA issues a move point or move the cursor command and sends this move the cursor command to the host and the ASHA broadcasts the move the cursor command, the commands can be titled SYNC TO POINT and REQUEST TO SYNC, but a command to move the cursor is

sent and performed and therefore the same command. The changing of a header or descriptor or title of a command, which is to move the cursor or move the point, is not changing the command; the command remains the same.

Beard further discloses that if a guest viewport is "out of sync" with the host viewport the guest viewport, irrespective of whether a host, guest or other participating guest moved the point on the view port, the guest viewports are synced via a SYNC TO POINT or REQUEST TO SYNC command (Column 7, lines 14-30). Beard further disclose that the guests are "synced" to the host and in order for the guests to be "synced" to the host a SYNC TO POINT command is issued, which can be invoked by a REQUEST TO SYNC command (Column 7, lines 29-39, Column 6, lines 23-42). Therefore, a host receives a REQUEST TO SYNC command and must "sync" to the location, which causes all guests to be out of sync including requesting guest and the SYNC TO POINT "syncs" guests to the host. Beard discloses that the host and the guests or second location performs the control operation or syncing to a particular point in the view window in response to receipt of the command signal (Column 6, lines 23-67, Column 7, lines 10-13, 29-39). The rejection was using the embodiment of Figs. 4C and 6B instead of Figs. 4A and 4B. Also, Fig. 4B discloses that the host viewport can be the entire display surface or a portion (Column 5, lines 32-35); therefore, the host does not see the entire viewable area and guests need to stay "in sync" with the host.

Furthermore, Kinney discloses issuing a command signal from the second location regarding a control operation of the video file or performing a stop, play,

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reverse play, a frame forward, or seek event (Figure 2A, 226, Column 5, lines 52-67, Column 6, lines 1-9), transmitting a command signal from the second location to the first location in response to the issued command (Column 7, lines 11-15, Figure 2A, 226, Figure 2B, 246, 254, Column 5, lines 52-67, Column 6, lines 1-9) and the event synchronizes the master or first location to play, fast forward, stop or go to a particular frame number (Figures 2A, 2B, 2C). Therefore, a command issued by the second location is performed at the first location upon receipt of the command.

The new KSR ruling includes rationale that if all the claimed elements that are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

2. The Obviousness Rejection of Claim 2

The appellant argues that Claim 2 depends from claim 1 and is not made obvious for the at least same reasons as claim 1 or Kinney nor Beard teaches or suggests broadcasting a command signal from the first location to a second location, performing at a the first and second location, a control operation in receipt to of the command signal (Pages 14-15). The appellant further argues that Kinney nor Beard teaches or suggest that broadcasting a command signal from a first location to a second location comprises broadcasting the command signal to a third location and performing at the

first, second and third location a control operation in response to receipt of the command signal (Page 15).

In response to the arguments, see response to arguments for claim 1. Beard discloses that the host receives the command signal or REQUEST TO SYNC command and then broadcasts the command signal, now entitled SYNC TO POINT, to the third location or all guests (Column 6, lines 10-56); and performing at the first location, the second location and the third location in response to the receipt of the command signal so that the guests and the host are in "sync" (Column 6, lines 23-67, Column 7, lines 10-13, 29-39).

3. The Obviousness Rejection of Claims 4 and 7

The appellant argues that Claims 4 and 7 depend from Claim 1 and are obvious for same reasons (Page 15).

In response to the arguments, see response to arguments for claim 1.

4. The Obviousness Rejection of Claim 8

The appellant argues that Kinney and Beard do not teach that same command signal is sent from a second system to a first system, broadcast to the second system and a third system and operation is performed at first, second and third systems corresponding to the command signal (Page 16). The appellant further argues that

Beard does not each or suggest that SYNC TO POINT command is ever executed on the host.

In response to the arguments, Beard discloses the same command (Column 6, lines 10-42, 57-67, Column 7, lines 1-12, 29-39) is sent from the second system or ASGA (guest) by moving a cursor or issuing a command regarding a control operation and transmitting the command for moving the cursor to the ASHA (host) or first system and the broadcasting the command signal from the first system or ASHA to the second system and third system (or all guests) and performing the control operation in response to receipt of the command signal (Column 6, lines 10-42, 57-67, Column 7, lines 1-12, 29-39).

The perspective of ASGA or the second system s that the ASGA issues a move point or move the cursor command and sends this move the cursor command to the host and the ASHA broadcasts the move the cursor command, the commands can be titled SYNC TO POINT and REQUEST TO SYNC, but a command to move the cursor is sent and performed and therefore the same command. The changing of a header or descriptor or title of a command, which is to move the cursor or move the point, is not changing the command; the command remains the same.

Beard further discloses that if a guest viewport is "out of sync" with the host viewport the guest viewport, irrespective of whether a host, guest or other participating guest moved the point on the view port, the guest viewports are synced via a SYNC TO POINT or REQUEST TO SYNC command (Column 7, lines 14-30). Beard further disclose that the guests are "synced" to the host and in order for the guests to be

"synced" to the host a SYNC TO POINT command is issued, which can be invoked by a REQUEST TO SYNC command (Column 7, lines 29-39, Column 6, lines 23-42).

Therefore, a host receives a REQUEST TO SYNC command and must "sync" to the location, which causes all guests to be out of sync including requesting guest and the SYNC TO POINT "syncs" guests to the host. Beard discloses that the host and the guests or second and third system perform the control operation or syncing to a particular point in the view window in response to receipt of the command signal (Column 6, lines 23-67, Column 7, lines 10-13, 29-39). Also, Fig. 4B discloses that the host viewport can be the entire display surface or a portion (Column 5, lines 32-35); therefore, the host does not see the entire viewable area and guests need to stay "in sync" with the host.

Furthermore, Kinney discloses issuing a command signal from the second system regarding a control operation of the video file or performing a stop, play, reverse play, a frame forward, or seek event (Figure 2A, 226, Column 5, lines 52-67, Column 6, lines 1-9), transmitting a command signal from the second location to the first location in response to the issued command (Column 7, lines 11-15, Figure 2A, 226, Figure 2B, 246, 254, Column 5, lines 52-67, Column 6, lines 1-9) and the event synchronizes the master or first location to play, fast forward, stop or go to a particular frame number (Figures 2A, 2B, 2C). Therefore, a command issued by the second system is performed at the first system upon receipt of the command.

The new KSR ruling includes rationale that if all the claimed elements that are known in the prior art then one skilled in the art could have combined the elements as

claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

5. The Obviousness Rejection of Claims 9 and 12

The appellant argues that Claims 9 and 12 depend from Claim 8 and are obvious for same reasons (Page 17).

In response to the arguments, see response to arguments for claim 8.

6. The Obviousness Rejection of Claim 13

The appellant argues that Kinney and Beard do not disclose the same command signal is sent from a second system to a first system and broadcast to the second system and performed on a first and second video screen (Page 17). The appellant makes arguments substantially similar to arguments of claims 1 and 8.

In response to the arguments, see response to arguments of claims 1 and 8.

The system at first location is a first system or host and the system at second location is a second system or guest.

7. The Obviousness Rejection of Claim 14

The appellant argues that Claim 14 depends from claim 13 and is not made obvious for the at least same reasons as claim 1 or Kinney nor Beard teaches or suggests broadcasting a command signal from the first system to a second system, performing at a the first and second system, a control operation in receipt to of the command signal (Pages 18). The appellant further argues that Kinney nor Beard teaches or suggest that broadcasting a command signal from a first system to a second system comprises broadcasting the command signal to a third system and performing at the first, second and third system a control operation in response to receipt of the command signal (Page 18). The appellant makes arguments substantially similar to arguments of claim 2.

In response to the arguments, see response to arguments of claims 1, 2 and 8. The system at a third location is a third system or another guest.

8. The Obviousness Rejection of Claim 17

The appellant argues that Claim 17 depends from Claim 14 and is obvious for same reasons (Page 19).

In response to the arguments, see response to arguments for claims 1, 2, 8 and 14.

9. The Obviousness Rejection of Claim 18

The appellant argues that a second command signal or the same command from a second computer system to a first computer system, a control operation is performed at the first computer system to the receipt of the second command signal (Page 19). The appellant argues that the REQUEST TO SYNC and SYNC TO POINT are different commands and the command is never executed on the host (Pages 19-20). The appellant makes arguments substantially similar to arguments of claims 1 and 8.

In response to the arguments, see response to arguments of claims 1 and 8. The system at first location is a first system or host and the system at second location is a second system or guest.

10. The Obviousness Rejection of Claim 21

The appellant argues that Claim 21 depends from Claim 18 and is obvious for same reasons (Page 20).

In response to the arguments, see response to arguments for claims 1, 8 and 18.

11. The Obviousness Rejection of Claim 22

The appellant argues that a second command signal or the same command from another computer system to a computer system, a control operation is performed at the computer system to the receipt of the second command signal (Page 20). The appellant argues that the REQUEST TO SYNC and SYNC TO POINT are different

commands and the command is never executed on the host (pages 21-22). The appellant makes arguments substantially similar to arguments of claims 1 and 8.

In response to the arguments, see response to arguments of claims 1 and 8. The system at a first location is a system or host and the system at a second location is another system or guest.

12. The Obviousness Rejection of Claim 25

The appellant argues that Claim 25 depends from Claim 22 and is obvious for same reasons (Page 21).

In response to the arguments, see response to arguments for claims 1, 8 and 22.

C. 35 US.C § 103(a) Rejection of Claims 3, 5, 10, 15, 19 and 23 as Being Unpatentable over Kinney in view of Beard and in further in view of Burk

The appellants argues that the further addition of Burk does not make up for aforementioned deficient of Kinney taken in view of Beard with respect to claims 1, 8, 13, 18 and 22 (Pages 21-22). The appellant further argues that one byte command signal is related to the control operation of a video file. The cited section of Burk discloses an adapter command byte to a link control and hat the command is completely silent on the control of a video file (Page 22).

In response to the arguments, Kinney discloses that the command signal comprises a control operation related to a video file or one of stop, play, forward, reverse and pause of the video file or movie (Column 4, lines 41-45, lines 50-55). Beard discloses a pointer command (Figure 4C). Burk discloses sending commands and that the command comprises a command byte or 1 byte (Column 49, lines 60-67, Column 50, lines 1-5). Burk discloses one bit of the one-byte command comprises a specific command (Column 49, lines 60-67, Column 50, lines 1-5).

Furthermore, the new KSR ruling includes rationale that if all the claimed elements that are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

D. 35 US.C § 103(a) Rejection of Claims 6, 11, 16, 20 and 24 as Being Unpatentable over Kinney in view of Beard and in further in view of Pacifici

The appellant argues that Claims 6, 11, 16, 20 and 24 depend from Claim 1, 8, 13, 18 and 22 and Pacifici does not make up for the aforementioned deficiencies of Kinney and Beard (page 23).

In response to the arguments, see response to arguments for claims 1, 8, 13, 18 and 22.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

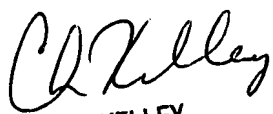
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